

FEDERAL COMMUNICATIONS COMMISSION

445 TWELFTH STREET, SW

WASHINGTON, DC 20554

OCT 18 2010

MEDIA BUREAU

AUDIO DIVISION

APPLICATION STATUS: (202) 418-2730

HOME PAGE: www.fcc.gov/mb/audio/

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Conner Media Corporation

702 Hartness Road

Statesville, NC 28677

Re: WZUP(FM); LaGrange, NC

Facility ID No. 17618

Conner Media Corporation

BPH-20090717AAU

Dear Applicant:

This letter refers to the above-captioned application for a minor change to upgrade this facility from Class C3 to Class C2 at a new site and antenna system parameters.

An engineering study reveals that the facility specified in the application fails to meet the minimum spacing requirement of 47 C.F.R. § 73.207. Specifically, the facility is short-spaced by 8 kilometers to the first-adjacent channel Class A licensed facility (BLH-20041203AFD) of WSTK(FM), Aurora, NC. WZUP recognizes this short-spacing and requests processing pursuant to 47 C.F.R. § 73.215. However, the proposed interfering contour (54 dBu) would cause prohibited overlap to the protected contour (60 dBu) of WSTK by as much as 3 kilometers between the azimuths from 85°T to 99°T. The prohibited overlap occurs when WSTK is considered as a maximum Class A facility operating with 6 kilowatts ERP at 100 meters HAAT, as required by 47 C.F.R. § 73.215(b)(2)(ii). Thus, while WZUP submits additional 3 second terrain data to demonstrate that this overlap interference does not occur, the directional antenna pattern in the engineering exhibit is not consistent with the directional antenna pattern specified in the Tech Box of FCC Form 301. Thus, the above described overlap constitutes an acceptance defect. Therefore, the application must be amended to demonstrate compliance with § 73.215 with respect to WSTK's license BLH-20041203AFD.

Pursuant to Section 73.3522 of the Commission's Rules,¹ "...an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, Section 73.3564 of the Commission's Rules² states that, "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for corrective amendment." See Appendix B in the Report and Order in MM Docket No. 91-347. This letter constitutes your opportunity for corrective amendment pursuant to Section 73.3522.

In addition, pursuant to 47 C.F.R. § 17.4(a), any proposed construction of a new antenna structure or proposed alteration of an existing antenna structure that requires notification to the Federal Aviation Administration (FAA) requires registration with the Commission prior to the proposed construction or alteration. Our records indicate that the proposed antenna structure has not been registered with the Commission. FCC antenna structure registration may be accomplished electronically via the internet at <http://www.fcc.gov/wtb/antenna/>.

Please note that FAA approval is necessary in order to obtain FCC antenna structure registration. Following FCC registration of the antenna structure, a curative amendment to the application, which includes the antenna structure registration number, must be submitted to the Commission so that processing of your application may be completed. If the antenna structure cannot be registered within 30 days of the date of this letter, the applicant must notify the Audio Division, in writing, concerning the delay.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide Conner Media Corporation an opportunity to respond. Failure to correct all tender and acceptance defects within the thirty days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to Section 73.3564. Please note, any amendment must be submitted in the same manner as the original application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci".

Rodolfo F. Bonacci
Assistant Chief